



# Senator Bob Oke's LEGISLATIVE UPDATE

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## April 25, 2005—Final Edition

*The 2005 Legislative Session adjourned on Sunday, April 24, just after 7:00 p.m. More than 500 new laws were approved. Upon receipt of a bill, the governor has 5 days, not counting Sundays, to sign or veto the measure. The governor has 20 days to sign or veto bills transmitted to her within the last five days of session. All new laws take effect 90 days following the end of session unless provisions in the bill set a specific effective date. Bills with an emergency clause take effect immediately upon being signed by the governor.*

### ELECTION CHALLENGE UPDATE

Chelan County Superior Court Judge John Bridges will set the stage in just a few days for the May 23 trial on the Republican Party challenge to the 2005 governor's election. To be decided before the trial begins:

1. Who is responsible for proving or disproving illegal votes and how they will have to prove it;
2. The method by which votes would be taken away from gubernatorial candidates Dino Rossi and Christine Gregoire; and
3. What new evidence, if any, will be allowed.

While King County has been at the center of the legal fight, the state Democrat Party has issued subpoenas to officials in nine other counties and in the Secretary of State's office. The Democrats are claiming that the Republicans only looked for illegal ballots primarily in places where such votes would most likely have helped Gregoire.

### Costs soar for both parties

Both the Republicans and the Democrats have so far each spent about \$2 million on the court challenge to the governor's race. The race itself cost each candidate about \$6.3 million.

### King County's problems continue...

More reports were coming in mid-April of dead people receiving ballots or voters receiving multiple ballots for a special, all-mail election in King County. Earlier in the month, three county elections workers were suspended after eight voters in the special election reported ballots were left out of their election packets.

On April 18, the Metropolitan King County Council voted unanimously to commission its own audit.

Members of council said they were deeply troubled by the election division mistakes and that a truly independent investigation is needed to restore public confidence in the election process.

### Pierce County owns up to provisional ballot problem

In a filing last week in the election challenge, Pierce County officials owned up to 164 unverified provisional ballots in their official vote count. State Elections Superintendent Bill Huennekens has placed the total of mishandled provisional ballots at 785, and a total of 178 that can't be matched to legal voters after the fact. Gregoire won by 129 votes.



## ELECTION REFORM UPDATE

**Absent the requirement that voters show photo ID at the polls and provide proof of citizenship when registering to vote, six bills have gone to the governor to be signed into law.**

**House Bill 1749** – This measure requires the Secretary of State's office to review county elections departments at least once every three years and stipulates that steps to be taken to correct problems must be submitted in writing.

**Senate Bill 5395** – This measure requires a paper trail for all electronic voting machines.

**Senate Bill 5564 (co-sponsored by Sen. Oke)** – This measure requires a plain English easy-to-understand manual for election workers for every step in the process.

**Senate Bill 5565 (co-sponsored by Sen. Oke)** – This measure improves the voting process for military and overseas voters.

**Senate Bill 5743** – This measure addresses issues raised by the federal Help American Vote Act (HAVA):

Identification other than photo ID is allowed at the polls. These alternates include: a current utility bill, bank statement, or paycheck. Voters without any identification will be given a provisional ballot.

Proof citizenship is not required to register to vote, but all state agencies that assist in voter registration must ask the applicant if he or she is at least 18 years old and if he or she is a U.S. Citizen.

Convicted felons must sign a statement acknowledging they have lost their right to vote and that their voter registration will be canceled until their rights are restored.

The Secretary of State shall compare the voter registration data base with those maintained by the state Department of Health, the Washington State Patrol, the Office of the Administrator of the Courts to check for deaths and felony convictions.

**Senate Bill 5499** – **This measure is the omnibus election reform bill that contains the following provisions:**

The Secretary of State shall develop guidelines for signature verification on ballot envelopes.

Provisional and absentee ballots must be printed on colored paper or imprinted with a bar code so that they appear different from each other from regular polling place ballots.

Ballots may not be enhanced. Damaged ballots may be duplicated so they can be counted electronically, but only if the voter's intent is clear. The original and duplicate ballot must be kept together and the process must be monitored by a team of two or more people.

Ballots returned by mail that are unsigned require the voter to appear in person to resolve the situation.

A security flap is added to absentee return envelopes to protect voter identity.

At the time of certification, each county auditor must prepare a report that reconciles the number of registered voters, with the number of regular, provisional and absentee ballots issued, counted and rejected. Every vote should have a voter.

### **Important reforms left out:**

- No photo ID is required to vote at the polls.
- In addition to not requiring proof of U.S. citizenship to register, no identification at all is required to register to vote.
- No random checks of voter registration rolls for dead people, felons or noncitizens are required.
- The filing period for candidates is not moved to an earlier date to allow more time to get ballots out to military and overseas voters.
- No provisions are included to allow military ballots to be counted if they are received late and therefore returned after Election Day.
- No help for auditors in managing elections.
- No solid signature verification.
- No prohibition against third-party access to voter information to stop vote-shopping.

### **Governor gets bill to allow counties to conduct all-mail elections**

After a tug-o-war over whether to allow or make mandatory all-mail elections, the House conceded and voted with the Senate to authorize county legislative authorities to decide for each county whether or not all-mail elections can be conducted. This keeps the decision close to the people affected. The bill has gone to the governor to be signed into law. (**House Bill 1754**)

### **Bill to move primary election to August dies**

Changing the date of the primary election involves changing language that was part of Initiative 872 approved by voters last November. I-882 enacts the “Top Two” primary system for Washington. It takes a two-thirds vote of both the House and Senate to change any part of an initiative for two years after voters approve it. Changing the date of the primary does not change the form, but the date of the primary is part of the initiative. **House Bill 2027** moves the primary to the third Tuesday in August. HB 2027 was approved by a two-thirds vote in the House, but was never voted on by the Senate. **Senate Bill 5219**, the senate bill to move the primary to August, was voted on by the Senate, but failed to pass. The vote was 22-26. The issue was getting “real” election reforms the people want - first.

### **CAPITAL BUDGET INCLUDES \$750,000 TO CLEAN UP KITSAP COUNTY’S LONG LAKE**

**Sen. Oke** worked for and won \$750,000 in the 2005-07 capital budget to help pay for the cleanup and long-term management plan for Long Lake. Long Lake suffers from toxic algae blooms and invasive aquatic weeds that close the lake to swimming and motor boating. Residents along the lake’s shore raised funds to develop the plan and enlist a company specializing in long-term management of fresh water lakes. The residents asked Sen. Oke to seek state funding.

### **BIG TOBACCO KILLS BILL TO OUTLAW CIGARETTE GIVE-AWAYS AT PUBLIC EVENTS (Senate Bill 5048, sponsored by Sen. Oke)**

For the fourth legislative session in a row, Big Tobacco has managed to kill the tobacco sampling bill in the House of Representatives. The measure always passes the Senate on a strong-bipartisan vote, but is killed in committee in the House so members don’t even get a chance to vote on it. Clearly, the bill would pass if it came up for a vote in the House. Tobacco sampling at events such as concerts, rodeos and fairs is how many youths get started on a life-threatening habit. It is impossible to police these events, and many young people have reported being offered free cigarettes and chewing tobacco – even though it is illegal to give or sell such products to people under age 18. This bill will be voted on by the Senate and sent to the House again during the 2006 session.

### **Budget Tidbits...just the facts**

**A Better Way...GOP “No-New-Taxes” Budget Plan...**For more information, go to [www.src.wa.gov](http://www.src.wa.gov) and click on “Budget Tidbits...just the facts,” 13<sup>th</sup> Edition.

### **2005-07 BUDGET GOES TO GOVERNOR WITH \$400 MILLION IN NEW TAXES TO PAY FOR A 12 PERCENT SPENDING INCREASE**

In early April, Senate Republicans offered a no-new-taxes spending plan for the next two years that:

- provides for 10,000 new college enrollments (only 7,900 are funded in the final budget);
- fully funds voter-approved education initiatives I-728 and I-732;
- fully funds levy equalization for property poor school districts (final budget amount is reduced by \$12.9 million);
- provides a much-needed rate increase for doctors willing to care for Medicaid patients;
- makes the first payment toward eliminating the unfunded liability in the teachers’ and state employees’ pension systems (final budget skips payment in 2005-07 biennium pushing the problem into future bienniums and risking a lawsuit);
- eliminates day fees at state parks so more families could afford to use these taxpayer provided facilities (final budget continues day use fees);

- funds the new collective bargain agreement with state employees; and
- leaves a healthy balance in the ending fund reserve (the final budget spends down the ending fund reserve so that one bad revenue forecast could wipe it out).

The final budget approved by the Legislature:

**revives the state's death tax;**  
**adds the sales tax to extended warranties;**  
**ups the tax on cigarettes; and**  
**increases the tax on liquor.**

During debate on the revenue package to fund the budget, **Senate Republicans proposed amendments to strike each tax increase and finally proposed a 10 percent reduction in the state property tax after the other amendments were beat back by majority Democrats.** The property tax amendment went down on a vote of 22 in favor, and 25 against. Sen. Tim Sheldon was the only Democrat who voted with the Republicans in favor of the amendment.



#### **ORCA NAMED STATE MARINE MAMMAL (House Bill 1759)**

In January 2003, library assistant Peggy Mihalik at Crescent Harbor Elementary in Oak Harbor, Washington, noticed the state did not have a marine mammal listed as a recognized state symbol. She mentioned this to second-grade teacher, Bonnie Alanis, and suggested her class might want to take this on as a project. They did and on April 14, 2005, the governor signed a bill making the Orca whale the state marine mammal. To learn about all of the state's symbols, visit: <http://www.leg.wa.gov/legis/symbols/symbols.htm>

#### **BILLS BOOSTING SOLAR ENERGY PRODUCTION GOES TO GOVERNOR**

Under **Senate Bill 5101 (co-sponsored by Sen. Oke)**, individuals, businesses and local governments can recover up to \$2,000 a year in costs for generating electricity on their own property using a wind or solar energy system or an anaerobic digester. Under Senate Bill 5111, provides a variety of tax incentives to promote the solar panel production industry in Washington. It is interesting to note that during renovation of the Legislative Building in Olympia, solar panels were installed to charge batteries used to light the Capitol dome at night.

#### **LOCAL GOVERNMENTS TO GET HELP PAYING FOR LAW ENFORCEMENT AND OTHER CRITICAL SERVICES**

The Legislature approved **Senate Bill 6050**, a measure that shares some of the state-collected real estate excise tax (REET) revenues with small, cash-strapped towns, cities and counties with substantial populations in unincorporated areas. REET revenues normally go into the state general fund (91.3 percent) and the Public Works Assistance Account (7.7 percent). SB 6050 takes 1.6 percent of the REET funds from the Public Works Assistance Account and dedicates the money to local government financial assistance – an estimated \$20 million over the next two years. Many small towns, cities and rural counties have been struggling since the motor vehicle excise tax was repealed and increases in local property tax collections were capped below the rate of inflation.

#### **TRANSPORTATION REVENUE PACKAGE (Senate Bill 6103)**

The final transportation revenue package contains the following provisions:

- A 9.5-cent increase in the state gas tax** over four year (3 cents in 2005; 3 cents in 2006, 2 cents in 2007; and 1.5 cents in 2008)
- A new weight fee on vehicles** (for example, the owner of a Ford Taurus would pay \$10 a year; the owner of a Ford Expedition would pay \$20 a year)

**An increase in various fees related to transportation** (for example the fee for an original driver's license application will increase from \$10 to \$20)

**☑ Senate Republicans were successful in getting a provision included for the state auditor to conduct performance audits of the state transportation system.**

#### **TOUGH AUTO EMISSIONS STANDARDS BILL PASSES WITH CAVEATS (House Bill 1397)**

The bill to adopt tough auto emission standards by 2009 won full Legislative approval on April 20 and is on its way to the governor. The final action came when the House concurred in Senate amendments important to the auto industry and consumers.

The Senate amendments to the bill are as follows:

- The Department of Ecology is prohibited from imposing quotas on car dealers to sell a certain number of super-clean-running vehicles each year;
- Washington's adoption of the standards are contingent upon adoption of the standards in Oregon;
- New vehicles licensed in Washington, but purchased from out-of-state dealers, must meet the standards.
- Auto manufacturers may certify independent automobile repair shops to perform warranty service.

With the adoption of HB 1397, Washington becomes the ninth state to require tougher emissions standards than federal law. The new standards will require improvements to air conditioners, more efficient transmissions and smaller engines. The effect will likely be fewer SUVs, minivans and pickup trucks sold and a larger number of higher MPG vehicles in the fleet mix.

#### **BUYERS OF "CLEAN AND ALTERNATIVE FUEL CARS" GET SALES AND USE TAX EXEMPTION FOR TWO YEARS BEGINNING IN 2009**

Supporters call **Senate Bill 5916** a "win-win-win" measure for consumers that will pay less for an automobile, the environment which will suffer less air pollution and Washington auto dealers that will be selling to out-of-state residents seeking tax-exempt vehicles. This measure applies to new passenger cars, light-duty trucks and medium passenger vehicles exclusively powered by a clean alternative fuel or use "hybrid" technology with a rating of at least 40 MPG. Not paying the sales and use tax on a new car costing \$20,000 could save the buyer nearly \$2,000. SB 5916 has been sent to the governor to be signed into law.

#### **GOVERNOR SIGNS BILL REDUCING UNEMPLOYMENT BENEFITS FOR YEAR-ROUND WORKERS TO INCREASE BENEFITS FOR SEASONAL WORKERS**

**House Bill 2255** repeals major unemployment reforms approved in 2003. The measure makes an across-the-board 3.85 percent reduction in benefits for all year-round workers and uses that money to increase unemployment benefits for seasonal workers. Senate Republicans argued that the reforms had not yet had time to work. We offered a stipend for seasonal workers out of federal dollars available until a study could be done of the seasonality provisions of the reforms and economic models could be developed. This compromise was rejected by the majority party. The reforms, approved by a strong bipartisan vote in 2003, were intended to be the first step to help bring balance to our unemployment system to improve Washington's business climate and attract more jobs. Currently, Washington's per employee unemployment tax is one of the highest in the nation.

#### **PERFORMANCE AUDIT BILL GOES TO GOVERNOR, BUT INITIATIVE EFFORT MOVES AHEAD**

The legislative controversy over performance audits was not that they should be done, but how they should be done. Senate Republicans worked to give the independently-elected Washington State Auditor the authority to conduct or contract for performance audits. The bill that passed leaves the decision to conduct an audit and the criteria of an audit up to an appointed body (**House Bill 1064**). If I-900 qualifies for the ballot this fall, the authority question will be put to voters. I-900 directs the state auditor to conduct performance audits of state and local governments.

## **MEDICAL MALPRACTICE REFORM WILL BE UP TO VOTERS**

The Legislature failed to act on the two medical malpractice reform initiatives to the Legislature, thus sending both to the ballot for voter approval. Alternatives to the initiatives were considered, but not approved.

**Initiative 330** caps noneconomic damage awards at \$350,000. I-330 also limits attorney fees and addresses the issue of lawsuits going after the “deep pocket” – the practice of holding the defendant with the most resources responsible for more than his or her actions.

**Initiative 336** creates a taxpayer-supported liability insurance program to supplement private insurance coverage. I-336 also limits expert testimony at trial and requires malpractice insurers to hold public hearings on their rates.

## **BILL TO MAKE IT LEGAL TO TRAP MOLES AND GOPHERS DIES IN HOUSE (Senate Bill 5319, sponsored by Sen. Oke)**

When I-713 was approved by voters in 2001, it became illegal to use standard mole and gopher traps. While sponsors of the initiative said this was not their intent, the language of the initiative did not specifically exempt mole traps from the prohibition against body-gripping traps. Former Governor Locke instructed the Department of Wildlife to “look the other way” when he vetoed a bill similar to SB 5319. The issue is not really mole traps, but easing the restrictions on the use of body-gripping traps to stop predatory animals from killing livestock and ruining crops. SB 5319 includes provisions to help ranchers and farmers protect their livelihood.

## **MAJOR STEP IN THE FIGHT AGAINST METH LABS APPROVED (House Bill 2266)**

Methamphetamine is a highly addictive illegal drug that is easily produced in a make-shift lab – creating a highly volatile and dangerous situation. HB 2266 requires that cold and allergy medicines containing ephedrine, pseudoephedrine or phenylpropanolamine must be kept behind counters. Persons purchasing such medicines must show photo ID for the clerk to verify he or she is at least 18 years of age. The State Board of Pharmacy will conduct a pilot project to determine the best way for sellers of the drugs to keep a log so that it is useful to law and can act as a deterrent to criminal activity. HB 2266 has been sent to the governor to be signed into law.

## **TWO PUBLIC MEETINGS REMAIN ON PROPOSED 2005-07 SALARY SCHEDULE FOR ELECTED OFFICIALS**

The Washington Citizens’ Commission on Salaries for Elected Officials will hold its fourth meeting on April 28 to hear comments from the public on the proposed 2005-06 salary schedule for legislators, state-wide elected officials and judges. The meeting will be held at the Coast Hotel & Conference Center in Wenatchee from 6 p.m. to 9 p.m. The final meeting is scheduled for May 19 at the Radisson Hotel in Sea-Tac. For information about the proposed salary schedule visit the commission’s Web site at:

[www.salaries.wa.gov](http://www.salaries.wa.gov). Send written comments to: [tamarap@salaries.wa.gov](mailto:tamarap@salaries.wa.gov).

## **STATE’S “WILDFIRE SEASON” OFFICIAL AS OF APRIL 15**

The state Department of Natural Resources announced on April 15 that the wildfires season has begun. For the next six months, people using motorized equipment in the woods must have approved spark arresters and follow fire safety precautions. These regulations affect loggers, firewood cutters, land clearers, road builders, bulldozer operators and off-road motorcyclists. In addition, those working in the woods must have tested and operable fire prevention and extinguishing equipment at the job site. More than 50 wildfires affecting over 130 acres have already occurred in the state since February. For more information about wildfires, go to the DNR Web site at: <http://www.dnr.wa.gov/fire/index.html>.

*Legislative toll free hotline: 1-800-562-6000*

*TTY: 1-800-635-9993*

*Senate Republican Web site: [www.src.wa.gov](http://www.src.wa.gov)*

*Legislature’s Web site: <http://www.l.leg.wa.gov/legislature>*

*Sen. Oke’s Web site: <http://www.l.leg.wa.gov/Senate/SRC/Senators/Oke.htm>*